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OFFICE OF PETITIONS #10

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Approved for use through 5/31/2006, OMB 0631-0013
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

**PETITION TO ACCEPT UNAVOIDABLY DELAYED PAYMENT OF
MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378(b))**

Docket Number (Optional)

Mail to: Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
Fax: (703) 872-9306

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (703) 305-9282.

Patent No. 6,170,281 Application Number 09/261,310
Issue Date 01-09-2001 Filing Date 03-02-1999

CAUTION: Maintenance fee (and surcharge, if any) payment must correctly identify: (1) the patent number (or reissue patent number, if a reissue) and (2) the application number of the actual U.S. application (or reissue application) leading to issuance of that patent to ensure the fee(s) is/are associated with the correct patent. 37 CFR 1.366(c) and (d).

Also complete the following information, if applicable

The above-identified patent:

- ☐ is a reissue of original Patent No. _____ original issue date _____;
original application number _____
original filing date _____
- ☐ resulted from the entry into the U.S. under 35 U.S.C. 371 of international application _____ filed on _____

CERTIFICATE OF MAILING OR TRANSMISSION (37 CFR 1.8(a))

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is
(1) being deposited with the United States Postal Service on the date shown below with sufficient postage as first-class mail in an envelope addressed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 OR **EXPRESS MAIL, AND**
(2) transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 872-9306.

03-06-2005
Date

Karl Vernon Lee Barnett
Signature

KARL VERNON LEE BARNETT
Typed or printed name of person signing Certificate

(Page 1 of 4)

This collection of information is required by 37 CFR 1.378(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 8 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2

PTO/SD/85 (01-05)

Approved for use through 5/31/2006. OMB 0851-0018

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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1. SMALL ENTITY

☒ Patentee claims, or has previously claimed, small entity status. See 37 CFR 1.27.

2. LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS

☐ Patentee is no longer entitled to small entity status. See 37 CFR 1.27(g).

3. MAINTENANCE FEE (37 CFR 1.20(e)-(g))

The appropriate maintenance fee must be submitted with this petition, unless it was paid earlier.

NOT Small Entity			Small Entity		
Amount	Fee	(Code)	Amount	Fee	(Code)
<input type="checkbox"/> \$ _____	3 1/2 yr fee	(1551)	<input checked="" type="checkbox"/> \$ <u>450.⁰⁰</u>	3 1/2 yr fee	(2551)
<input type="checkbox"/> \$ _____	7 1/2 yr fee	(1552)	<input type="checkbox"/> \$ _____	7 1/2 yr fee	(2552)
<input type="checkbox"/> \$ _____	11 1/2 yr fee	(1553)	<input type="checkbox"/> \$ _____	11 1/2 yr fee	(2553)

MAINTENANCE FEE BEING SUBMITTED \$ _____

4. SURCHARGE

The surcharge required by 37 CFR 1.20(i)(1) of \$ 700.⁰⁰ (Fee Code 1557) must be paid as a condition of accepting unavoidably delayed payment of the maintenance fee.SURCHARGE FEE BEING SUBMITTED \$ 700.⁰⁰

5. MANNER OF PAYMENT

- ☒ Enclosed is a check for the sum of \$ 450.⁰⁰ AND a check in sum of \$700.⁰⁰
- ☐ Please charge Deposit Account No. _____ the sum of \$ _____. A duplicate copy of this authorization is attached.
- ☐ Payment by credit card. Form PTO-2038 is attached.

6. AUTHORIZATION TO CHARGE ANY FEE DEFICIENCY

- ☐ The Director is hereby authorized to charge any maintenance fee, surcharge or petition fee deficiency to Deposit Account No. _____. A duplicate copy of this authorization is attached.

☒ Please notify the patentec @ 1-828-255-8314 or fax @ 1-828-253-6937 for any additional fee or surcharge fees.

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PTO/SB/03, 01-05)
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7. OVERPAYMENT

As to any overpayment made please

☐ Credit to Deposit Account No. _____

OR

☒ Send refund check.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

8. SHOWING

The enclosed statement will show that the delay in timely payment of the maintenance fee was unavoidable since reasonable care was taken to ensure that the maintenance fee would be paid timely and that this petition is being filed promptly after the patentee was notified of, or otherwise became aware of, the expiration of the patent. The statement must enumerate the steps taken to ensure timely payment of the maintenance fee, the date and the manner in which the patentee became aware of the expiration of the patent, and the steps taken to file the petition promptly.

9. PETITIONER(S) REQUESTS THAT THE DELAYED PAYMENT OF THE MAINTENANCE FEE BE ACCEPTED AND THE PATENT REINSTATED.

Karl Vernon Lee Barnett
 Signature(s) of Petitioner(s)

03-06-2005
 Date

KARL VERNON LEE BARNETT
 Typed or printed name(s)

11 ASCENSION DRIVE, APT K
 Address

ASHEVILLE, N.C. 28806
 Address

Registration Number, if applicable

1-828-255-8314

1-828-279-3281
 Telephone Number

1-828-253-4107 WORK

1-828-253-6937 FAX

ENCLOSURES:

- ☒ Maintenance Fee payment
☒ Statement why maintenance fee was not paid timely
☒ Surcharge under 37 CFR 1.20(i)(1) (fee for filing the maintenance fee petition)
☐ Other:

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FTO/SB/55 (01-03)
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 U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE
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37 CFR 1.378(d) states: "Any petition under this section must be signed by an attorney or agent registered to practice before the Patent and Trademark Office, or by the patentee, the assignee, or other party in interest."

Karl Vernon Lee Barnett

Signature

03-06-2005

Date

KARL VERNON LEE BARNETT

Typed or printed name

Registration Number, if applicable

STATEMENT

(In the space below, please provide the showing of unavoidable delay recited in paragraph 8 above.)

I: A Reissue (10-285845) application to replace Patent no. 6,170,281 was filed on Nov.01,2002, with the appropriate fees and all subject matter prosecuted by the patentee, at considerable expense to the patentee who works as an apartment maintenance man. The Reissue application has been successfully prosecuted to the point where the examiner Chen-Wen Jiang has sent the patentee an office action allowing the new claims and he did not find a single fault with the prosecution of said Reissue Application.
 II: Chen-Wen Jiang, said examiner allowed all of the new claims and voided the two original claims of said 6,170,281, thereby nullifying the original patent.

III: Chen-Wen Jiang ordered the patentee to surrender the original patent, 6,170,281 back to the Patent Office, which the patentee did immediately!

IV: Webster's dictionary defines the word surrender, as, the act of giving up or yielding oneself to another or the possession of something to another

V: I surrendered, said 6,170,281 back to the PTO. I believed said 6,170,281 was null and void at that point, due to the fact that I carefully read the Webster's definition of the word surrender. I was unaware of the correct point of law, which states the patentee is still liable for a patent that he has been ordered by an official of the government to surrender. I PREY, that you will forgive my lack of knowledge upon this mistake, BECAUSE!

VI: I have faithfully obeyed each and every ORDER, REQUEST, or SUGGESTION made by any official of the Patent and Trademark Office, since I am a Conservative Republican and I have a deep respect for the law and the office.

VII: I have always acted in a timely manner in response of any and every order, request, or suggestion and I have Paid all fees on time! Reasonable care has always been taken to adhere to the proper prosecution of the said patent 6,170,281, since numerous man hours of labor by the patentee have gone into this effort, and at great cost to a common laborer of low income!

VIII: Please! Do not allow the lack of knowledge within this one mistake to deprive me of my patent. Chen-Wen Jiang sent said Reissue(10-285,845) to Special Examiner Linda Shoal for what he said was a minor review. Ms. Shoals

(Please attach additional sheets if additional space is needed) NEXT PAGE!

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has been very helpful in enlightening the patentee with a better understanding of the rules governing the maintenance fees. Ms. Shoals has been in possession of the said reissue application for review, and she stated that several cases still remain ahead of my application file.

IX: This patent 6,170,281 and reissue application 10-285845 are very important to me, therefore I have spent the past week trying to gain the proper knowledge to fulfill this Petition. the following steps have been taken to pay the fees and proper surcharges to the satisfaction of the PTO.

A: The letter of expiration was received by the Patentee on March 02, 2005

B: The Patentee took a day off of work to travel to the nearest computer store that I have access to and get the proper PTO FORMS from your web site.

C: I diligently read over the forms and concluded that any reasonable Juror within your position would conclude that this delay in payment of the maintenance fee was due to an unavoidable set of circumstances which were beyond the control of the Patentee, due in part to my lack of knowledge and the great difference between the accepted definition of the word SURRENDER as stated within the Webster's dictionary and the usage made by the PTO rules. This may be the reason why the need to surrender the original patent is no longer a requirement, due to the apparent confusion that this caused, people like myself!

D: I have spent the better part of Sunday March 06, 2005, typing out my response. Although this mistake is very unintentional, I believe that the special circumstances involving my desire to faithfully carry out the direct orders of Examiner Chen-Wen Jiang has lead to this mistake. A mistake which I guarantee YOU will never happen again!

E: Two checks have been written upon this date 03-06-2005 made payable to the Director of the PTO. One check in the amount of 450 dollars, as instructed by a member of the Petitions office for the maintenance fee and a second check in the amount of 700 dollars for the surcharge fee.

F: A copy of this response will be faxed to appropriate fax number as is stated upon the Petition form.

G: This Petition and all accompanying materials afore mentioned will be placed within an EXPRESS MAIL ENVELOPE, documented by the Express Mail serial number and mailed to the Mail Stop Petition address as required. I believe that the mail date upon the Express Mail Envelope is considered by the PTO as the date of filing, that will be Monday, March 07, 2005!

P.S. Please contact me, Karl Vernon Lee Barnett, at 1-828-255-8314 (home) or at 1-828-279-3281 (cell) or fax me at 1-828-253-6937, if any additional fees or surcharges are required. I will promptly obey any request that you make!

Sincerely, Karl Vernon Lee Barnett

Karl Vernon Lee Barnett
March 06, 2005

KARL V LEE BARNETT
PAULINE R BARNETT
PHONE: (828) 255-8314
11 ASCENSION DRIVE APT K
ASHEVILLE, NC 28806

Date 03-06-05 3760
66-30/531
127

Pay to the Order of Director and/or Assist Commissioner Patents \$ 450.00
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6,170,281
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First Citizens Bank & Trust Company
Asheville, N.C. 28806
www.firstcitizens.com

For Maintenance fee - 3 1/2 years paid Karl P. Barnett

⑆053100300⑆001218376643⑆ 03760

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KARL V LEE BARNETT
PAULINE R BARNETT
PHONE: (828) 255-8314
11 ASCENSION DRIVE APT K
ASHEVILLE, NC 28806

Date 03-06-05 3764
66-30/531
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Pay to the Order of Director and/or Assist Commissioner Patents \$ 700.00
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6,170,281
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Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.